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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**  
**BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re the Patent Application of

Kunio Ikui, et al.

Art Unit: 2879

Serial No.: 09/817,241

Examiner: S. Leurig

Filed: March 27, 2001

Confirmation No. 8038

For: DISPLAY APPARATUS IMPROVED TO REDUCE ELECTROSTATIC CHARGE ON  
DISPLAY SCREEN AND LEAKAGE OF ELECTROMAGNETIC FIELD OUTSIDE  
DISPLAY APPARATUS

**TRANSMITTAL OF APPEAL BRIEF**

**Mail Stop Appeal Brief-Patents**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Three copies of an Appellant's Brief on Appeal for the  
above-referenced application are being filed herewith. The  
Commissioner is hereby authorized to charge \$ 330.00 to Deposit  
Account 18-0013 to cover the requisite fee under 37 C.F.R. 1.16  
or 1.17 which may be required, or to credit any overpayment.

The Notice of Appeal for this application was filed on  
August 25, 2003, and a Petition To Extend Time For Response To  
Within The Fourth Extended Month is being filed herewith.

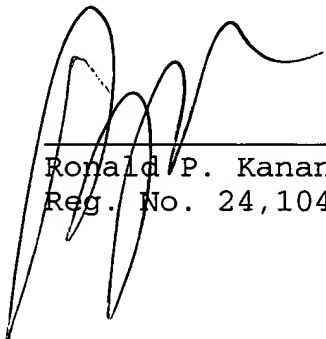
Consideration of the Appeal Brief is respectfully requested.

If any additional fee is required or any overpayment made,  
the Commissioner is hereby authorized to charge the additional  
fee or credit the overpayment to Deposit Account # 18-0013.

Respectfully submitted,

DATE: February 24, 2004

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**  
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For: DISPLAY APPARATUS IMPROVED TO REDUCE ELECTROSTATIC CHARGE ON  
DISPLAY SCREEN AND LEAKAGE OF ELECTROMAGNETIC FIELD OUTSIDE  
DISPLAY APPARATUS

**APPEAL BRIEF**

**Mail Stop Appeal Brief-Patents**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This is an Appeal Brief under Rule 192 appealing the final decision of the Examiner dated March 26, 2003 (Paper No. 13). Each of the topics required by Rule 192 is presented herewith and is labeled appropriately.

**I. Real Party In Interest**

Sony Corporation of Tokyo, Japan ("Sony") is the real party

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in interest of the present application. An assignment of all rights in the present application to Sony was executed by the inventor and recorded by the U.S. Patent and Trademark Office at **reel 012033, frame 0144.**

## **II. Related Appeals And Interferences**

There are no appeals or interferences related to the present application of which Appellant is aware.

## **III. Status of Claims**

Claims 2-6 were originally filed in this application.

By the amendment filed on January 13, 2003, claim 1 has been amended, and claim 7 has been added.

By the Amendment After Final Rejection Under 37 C.F.R. § 1.116 filed concurrently with the Appeal Brief, claims 1 and 7 have been canceled, and claims 2-6 have been amended.

Assuming entry of the Amendment After Final Rejection Under

37 C.F.R. § 1.116, appellant hereby appeals the final rejection of claims 2-6, which are presented in the Appendix.

#### **IV. Status of Amendments**

Subsequent to the final rejection of March 26, 2003, an Amendment After Final Rejection Under 37 C.F.R. §1.116 has been submitted concurrently with this Appeal Brief.

#### **V. Summary of the Invention**

The present invention relates to a display apparatus, and particularly to a display apparatus capable of preventing the occurrence of electrostatic charges and leakage of electromagnetic fields on a display screen of the display apparatus.

Described and claimed is a display apparatus having a display screen, that includes a stacked film 7 attached to a front surface of the display screen 2. The stacked film 7 comprises in sequence a base layer 9, a hard coat layer 10, a conductive film layer 11, and a dielectric film layer 12 (figure

3).

Also described and claimed is a conductive tape 8 including a conductive base 13 and a conductive sticky layer 14 (figure 4).

The conductive sticky layer 14 has a specific electrical resistance. One end of the conductive tape 8 is stuck on the dielectric film layer 12 via the conductive sticky layer 14. The other end of the conductive tape 8 is electrically grounded, wherein the other end of the conductive tape 8 is connected to a ground portion via the conductive sticky layer 14.

#### **VI. Issues**

The issues presented for consideration in this appeal are as follows:

Whether the Examiner erred in rejecting claims 1, 5, 6 and 7 under 35 U.S.C. §102 as being allegedly anticipated over U.S. Patent No. 5,025,490 to Tamura.

Whether the Examiner erred in rejecting claim 2 under 35 U.S.C. §103 as being allegedly obvious over Tamura.

Whether the Examiner erred in rejecting claim 3 under 35 U.S.C. §103 as being allegedly obvious over Tamura in view of U.S. Patent No. 5,757,117 to Hirasawa et al (Hirasawa).

Whether the Examiner erred in rejecting claim 4 under 35 U.S.C. §103 as being allegedly obvious over Tamura in view of U.S. Patent No. 5,091,244 to Biornard.

These issues will be discussed hereinbelow.

#### **VII. Grouping of Claims**

For purposes of the issues presented by this appeal:

Claims 2-6 stand or fall together.

The arguments set forth in the following section provide reasons why these claims are considered patentable, 37 C.F.R. 1.192 (c) (7).

### VIII. Arguments

In the Office Action of March 26, 2003:

The Examiner rejected claims 1, 5, 6 and 7 under 35 U.S.C. §102 as being allegedly anticipated over Tamura.

The Examiner rejected claim 2 under 35 U.S.C. §103 as being allegedly obvious over Tamura.

The Examiner rejected claim 3 under 35 U.S.C. §103 as being allegedly obvious over Tamura in view of Hirasawa.

The Examiner rejected claim 4 under 35 U.S.C. §103 as being allegedly obvious over Tamura in view of Biornard.

For at least the following reasons, Appellant submits that these rejections are both technically and legally unsound and should therefore be reversed.

#### General Matters

M.P.E.P. 707.07(f) states that "the importance of answering such arguments is illustrated by *In re Herrmann*, 261 F.2d 598,



120 USPQ 182 (CCPA 1958) where the applicant urged that the subject matter claimed produced new and useful results. The court noted that since applicant's statement of advantages was not questioned by the examiner or the Board of Appeals, it was constrained to accept the statement at face value and therefore found certain claims to be allowable. See also *In re Soni*, 54 F.3d 746, 751, 34 USPQ2d 1684, 1688 (Fed Cir. 1995) (Office failed to rebut applicant's argument)."

**The Examiner rejected claims 1, 5, 6 and 7 under 35 U.S.C. §102 as being allegedly anticipated over Tamura.**

This rejection is traversed at least for the following reasons.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Claims 1 and 7 have been canceled without prejudice or disclaimer of their underlying subject matter. Moreover, while not conceding the propriety of these rejections, and in order to further the prosecution of the application, claim 6 has been placed into independent form. Since claim 6 has been placed into independent form and claims 2-5 depend from claim 6, a new search and/or consideration is not required. As a result, the rejection of claims 1 and 7 is moot.

Regarding the rejection of claim 6, claim 6 and the claims dependent thereon are drawn to a display apparatus having a display screen, comprising:

a stacked film attached to a front surface of the display screen, said stacked film comprising in sequence a base layer, a hard coat layer, a conductive film layer, and a dielectric film layer; and

a conductive tape including a conductive base and a conductive sticky layer; wherein:

said conductive sticky layer has a specific electrical

resistance;

one end of said conductive tape is stuck on said dielectric film via said conductive sticky layer and the other end of said conductive tape is electrically grounded, and

the other end of said conductive tape is connected to a ground portion via said conductive sticky layer.

Tamura arguably teaches a cathode-ray tube with its display front protected from undesirable electrification. Tamura arguably teaches a conductive tape 6, 11 including a conductive base 11 and a conductive sticky layer 6 (Tamura at figure 1). Although Tamura arguable teaches the conductive tape 6, 11 stuck on an electrode unit 4 (Tamura at figure 1), Tamura arguably teaches the elimination of electrode unit 4 and one end of the conductive tape 6, 11 being stuck on a dielectric film 3 via the conductive sticky layer 6 (Tamura at column 4, lines 7-10). Tamura arguably teaches the other end of the conductive tape 6, 11 being electrically grounded to tension band 5 via the conductive sticky layer 6 (Tamura at figure 1, column 2, lines 55-60).

While Tamura arguably teaches layer 6 as a conductive sticky layer (Tamura at column 2, line 53), Tamura fails to disclose, teach or suggest layer 11 of the conductive tape including a conductive base. Instead, Tamura arguably teaches layer 11 of the conductive tape as a non-conductive base 11. Specifically, Tamura teaches that a protective tape 11 covering the conductive adhesive tape 6 is of a material such as an electrical insulating bonding tape type No. 10 made by the 3M company (Tamura at column 6, lines 37-39).

Each and every element as set forth within claim 6 is not found, either expressly or inherently described, within Tamura. Thus, Tamura fails to anticipate claim 6.

**The Examiner rejected claim 2 under 35 U.S.C. §103 as being allegedly obvious over Tamura.**

**The Examiner rejected claim 3 under 35 U.S.C. §103 as being allegedly obvious over Tamura in view of Hirasawa.**

**The Examiner rejected claim 4 under 35 U.S.C. §103 as being**

**allegedly obvious over Tamura in view of Biornard.**

These rejections are traversed at least for the reasons provided hereinabove with respect to the rejection of claim 6, and for the following reasons.

"The Patent and Trademark Office (PTO) has the burden of showing a prima facie case of obviousness." *In re Bell*, 26 USPQ2d 1529, 1530 (Fed. Cir. 1993). "In determining the propriety of the Patent Office case for prima facie obviousness, it is necessary to ascertain whether the prior art teachings would appear to be sufficient to one of ordinary skill in the art to suggest making the proposed substitution or other modification." *In re Taborsky*, 183 USPQ 50, 55 (CCPA 1974). Moreover, prima facie obviousness of a claimed invention is established "only by showing some objective teaching in the prior art or that knowledge generally available to one of ordinary skill in the art would lead that individual to combine the relevant teachings of the references." *In re Fine*, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988).

Regarding the rejection of claims 2-4, these claims depend from claim 6.

As shown hereinabove, all features are not found within Tamura.

Hirasawa arguably teaches a cathode ray tube with a conductive silicon adhesive. Figures 1 and 2 of Hirasawa arguably teach a conductive tape 47, 48 having a conductive adhesive tape 47 and a protective tape 48 (Hirawawa at column 1, lines 50-52).

Yet, Hirasawa fails to disclose, teach or suggest the protective tape 48 as being a conductive base. Thus, all features are not found within figures 1 and 2 of Hirasawa.

Hirasawa arguably teaches a conductive tape 7 and a conductive sticky layer 8 of a silicone adhesive containing a conductive filler (figures 5 and 6). Yet, Hirasawa fails to disclose, teach or suggest the other end of the conductive tape 7 being connected to a ground portion via the conductive sticky layer 8.

Hirasawa arguably teaches a conductive tape 7 stuck to a reinforcing band 5 (Hirasawa at column 6, lines 30-31). However, Hirasawa fails to disclose, teach or suggest the other end of the

conductive tape 7 being connected to the reinforcing band 5 via the conductive sticky layer 8, or by any conductive sticky layer.

Thus, all features are not found within Hirasawa.

Biornard arguably teaches an electrically-conductive, light-attenuating antireflection coating. However, Bionard fails to disclose, teach or suggest a conductive tape including a conductive base and a conductive sticky layer.

Thus, all features are not found within Biornard.

As a result, Tamura, Hirasawa and Biornard, either individually or as a whole fail to disclose, teach or suggest the features found within claim 6.

### **Conclusion**

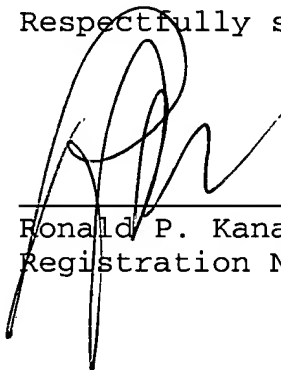
The Office Action fails to disclose, teach or suggest at least the above-noted features of the claimed invention at the time the invention was made, and therefore, does not anticipate Applicant's invention or render it obvious.

Thus, the claims are considered allowable for the same reasons discussed above, as well as for the additional features they recite.

Reversal of the Examiner's decision is respectfully requested.

Respectfully submitted,

Date: February 24, 2004



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IX. APPENDIX

Claims on Appeal

2. A display apparatus according to claim 6, wherein said conductive sticky layer has a sheet resistivity in a range of 10  $\Omega/\text{cm}^2$  to 1  $\text{K}\Omega/\text{cm}^2$ .

3. A display apparatus according to claim 6, wherein said conductive sticky layer contains carbon.

4. A display apparatus according to claim 6, wherein said dielectric film layer has a thickness in a range of 10 nm to 250 nm.

5. A display apparatus according to claim 6, wherein said conductive film has a sheet resistance in a range of 100  $\Omega/\square$  to 1  $\text{K}\Omega/\square$ .

6. A display apparatus having a display screen, comprising:  
a stacked film attached to a front surface of the display screen, said stacked film comprising in sequence a base layer, a

hard coat layer, a conductive film layer, and a dielectric film layer; and

a conductive tape including a conductive base and a conductive sticky layer; wherein:

said conductive sticky layer has a specific electrical resistance,

one end of said conductive tape is stuck on said dielectric film layer via said conductive sticky layer and the other end of said conductive tape is electrically grounded, and

the other end of said conductive tape is connected to a ground portion via said conductive sticky layer.